Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of   Civil Citation No. 70533

Marvin W. Cole Jr.   3901 Innerdale Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 5, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, failure to cease the illegal parking/storage of an unlicensed vehicle on residential property known as 3901 Innerdale Court, 21133.

On December 7, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of $ 6,600.00 (six thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Marvin Cole, Respondent and Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A.   A Correction Notice was issued on November 5, 2009 for removal of untagged/inoperative motor vehicles, remove trash and debris, store garbage in cans with tight lids, cut and remove tall grass and weeds. This Citation was issued on December 7, 2009.

B.   Inspector Paul Cohen testified that his re-inspection on November 19, 2009 found the junk, trash and debris had been removed but the unlicensed vehicle was still on the property. The vehicle has a smashed-in front and appears to be inoperable. Photographs in the file show a dark colored sedan with a damaged front end. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

C.   Respondent Marvin Cole testified that he has made arrangements for the "Vehicles for Change" program to pick up the vehicle on January 11, 2010. The vehicle is registered in his wife's name so he cannot just have it towed away. Because compliance is the goal of code enforcement, and Respondent has made arrangements to correct the remaining code violation, the civil penalty will be rescinded if re-inspection finds the violation corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of $500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected, with the untagged/inoperative vehicle removed, by February 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of January 2010

Signed: <u>ORIGINAL SIGNED</u>
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of $150 and the posting of security to satisfy the penalty assessed.

MZF/jaf